

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CHAPTER 7  
BKY CASE NO. 03-48018-NCD

Gregory Jon Brunello,

**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF PROPERTY**

Debtor(s).  
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TO: THE UNITED STATES BANKRUPTCY COURT, THE UNITED STATES TRUSTEE, THE DEBTOR, THE DEBTOR'S ATTORNEY, AND PERSONS REQUESTING NOTICE PURSUANT TO 2002 OF THE BANKRUPTCY RULES.

1. John R. Stoebner, Chapter 7 Trustee herein, moves the Court for the relief requested below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on December 1, 2004, at 10:30 a.m., in Courtroom No. 7 West, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 or as soon thereafter as counsel can be heard. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than November 26, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than November 19, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **If no response is timely served and filed, the Court may grant the relief requested without a hearing.**

3. This Court has jurisdiction over this Motion under 28 U.S.C. § 157 and § 1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 6072-1, this proceeding arises under 11 U.S.C. § 542(a) and Movant requests an order directing debtor to turnover copies of his 2003 state, federal, and property tax returns; and all 2003 tax refunds due to the debtor. The petition commencing this case as a Chapter 7 case was filed on November 14, 2003. This case is now pending in this Court.

4. The Trustee demanded turnover of the above-described property and documentation. However, Debtor has failed to respond. Therefore, the Trustee requests an order directing the Debtor to turnover the afore-said property and documentation.

Dated: November 2, 2004

/e/ John R. Stoebner  
John R. Stoebner, Trustee  
One Financial Plaza, #2500  
120 South Sixth Street  
Minneapolis, MN 55402  
(612) 338-5815

**VERIFICATION**

I, John R. Stoebner, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on November 2, 2004

/e/ John R. Stoebner  
John R. Stoebner

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

Chapter 7

**Bankr. No. 03-48018-NCD**

Gregory Jon Brunello,

Debtor(s)

**UNSWORN CERTIFICATE OF SERVICE**

I, Sarah L. Fortin, declare under penalty of perjury that on November 2, 2004, I mailed copies of the attached **Notice of Hearing and Motion for Turnover of Property and proposed Order** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Gregory John Brunello  
280 King Hill Road  
Golden Valley, MN 55416

Fabian Hoffner, Esq.  
The Hoffner Firm  
10 South 5<sup>th</sup> Street, Suite 700  
Minneapolis, MN 55402

U.S. Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Wells Fargo Bank  
c/o Prenovost, Normandin, Bergh & Dawe, A.P.C.  
2122 N. Broadway, Suite 200-BK  
Santa Ana, CA 92706-2614

American Express Centurion Bank  
c/o Becket & Lee LLP  
P O Box 3001  
Malvern, PA 19355-0701

Executed on: November 2, 2004

/e/ Sarah L. Fortin  
Sarah L. Fortin, Legal Secretary  
Lapp, Libra, Thomson, Stoebner &  
Pusch, Chartered  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402  
612/338-5815

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In re:

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**ORDER**

This matter came on for hearing before the undersigned Bankruptcy Judge on the 1<sup>st</sup> day of December, 2004, on the Motion of John R. Stoebner, Chapter 7 Trustee, for turnover of property of the above-named debtor.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

That Debtor turnover to the Trustee within 7 days of the date of this order the following: copies of his 2003 state, federal, and property tax returns; and all 2003 tax refunds due to the debtor.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Nancy C. Dreher  
United States Bankruptcy Judge